

FOOD SAFETY

State and Federal Standards and Regulations

Idaho

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IDAHO

Idaho regulates food quality through the Idaho Food, Drug and Cosmetic Act, the Idaho Meat Inspection Act and special provisions applicable to dairy products, eggs and egg products, inspected food products and the enrichment of bread and flour. Enforcement authority is divided between the Department of Agriculture and the Department of Health and Welfare.

Meat Inspection

The Idaho Meat Inspection Act deals with inspection of meat and meat products from cattle, sheep, swine, goats, horses, mules or other equines and the adulteration and misbranding of these food articles in intrastate commerce.

Federal/State Cooperation

The Act calls for cooperation by the state and the federal governments in assuring that wholesome, not adulterated, and properly labeled and packaged articles are available to consumers.⁷⁵³ A specific section designates the state Department of Agriculture as the agency responsible for cooperating with the USDA in relation to federal meat inspection programs and to assure that state programs will be at least equal to those imposed under federal law.⁷⁵⁴

The state inspection program requires inspection of animals before they enter a slaughtering establishment and the separation of those which show symptoms of disease.⁷⁵⁵ Post-mortem inspection of the carcasses and parts thereof, capable for use as human food, is required

⁷⁵³ IDA. CODE § 37-1902 (1994).

⁷⁵⁴ § 37-1901.

⁷⁵⁵ § 37-1903.

before they are prepared for meat food products.⁷⁵⁶ Furthermore, all meat food products are to be inspected. Any carcasses and parts thereof or meat food products found to be adulterated must be marked as “Inspected and Condemned.”⁷⁵⁷

In addition to the inspections of the animals, carcasses and meat food products, an inspection is required of all slaughtering, meat-canning, salting, packing, rendering and similar establishments in which slaughtering and meat food preparation occurs, for sanitary conditions.⁷⁵⁸

Exemptions from the inspection requirements are allowed in different instances, such as slaughtering by a person of animals of his own raising and of game animals for use by the person, member of the household of nonpaying guests and employees. Also, custom slaughtering of cattle, sheep, swine and goats at the request of the owner for the owner’s use, or use by a member of the household, nonpaying guests or employees is exempt, as is custom preparation of these animals and game animals. If custom operations occur at facilities otherwise subject to inspection, the exempt animals and the noninspected meat and meat food products must be kept separate from those subject to inspection. Moreover, the inspection requirements do not apply to retail stores and restaurants. Although exempt from animal and product inspection, all facilities are subject to sanitary conditions, and the adulteration and misbranding prohibitions of the Act are still applicable.⁷⁵⁹ Also, all businesses involved in these activities must register and receive a “custom exempt” certificate before operating.⁷⁶⁰

⁷⁵⁶ §§ 37-1904, 1905.

⁷⁵⁷ § 37-1906.

⁷⁵⁸ § 37-1908.

⁷⁵⁹ § 37-1915.

⁷⁶⁰ § 37-1908.

Adulteration

The sale, transport, offering for sale or receiving in transport of meat or meat food products capable for use as human food which are adulterated or any action which has the effect of causing the articles to be adulterated while being held for sale or being transported is prohibited.⁷⁶¹ Adulteration is defined consistently with the federal law with nine specific circumstances that result in the carcass, part thereof, meat or meat food product being considered adulterated.⁷⁶²

Misbranding

Misbranding is also defined consistently with the federal law⁷⁶³ and the sale, transport, offering for sale or receiving in transport of misbranded articles is likewise prohibited.⁷⁶⁴ Specific labeling requirements are applicable to carcasses, meat and meat food products from horses, mules or other equines which must be “plainly and conspicuously” marked or labeled.⁷⁶⁵ False and misleading labels for all products are specifically prohibited.⁷⁶⁶

Enforcement

The department may refuse or withdraw inspection services from any establishment under a variety of circumstances including violations related to acquiring, handling or distributing unwholesome, mislabeled, or deceptively packaged food; failing to maintain sanitary conditions

⁷⁶¹ § 37-1910.

⁷⁶² § 37-1901(j).

⁷⁶³ § 37-1901(k).

⁷⁶⁴ § 37-1910.

⁷⁶⁵ § 37-1912.

⁷⁶⁶ § 37-1907(d).

or to destroy condemned articles; or the conviction for any felony.⁷⁶⁷

Adulterated or misbranded articles capable for use as human food may be detained and proceeded against under seizure and condemnation processes. The article, if condemned, may be released to the owner only upon the posting of a bond to assure its destruction or disposition in accordance with the Act.⁷⁶⁸

The courts are given jurisdiction to enter injunctions to enforce, prevent or restrain violations.⁷⁶⁹ Violations can result in criminal penalties.⁷⁷⁰

Food, Drug and Cosmetic Act

Under the Idaho Food, Drug and Cosmetic Act, the director of the Department of Health and Welfare is charged with regulatory responsibility to carry out the programs of the state Board of Health and Welfare. The board is to develop regulations for enforcement and definitions and standards of identity and standards of quality and/or fill of containers which are to conform with federal law as far as practicable.⁷⁷¹ A “food” includes articles used for food or drink by man or other animals, chewing gum and components of any such article.⁷⁷²

Inspection

Free access by Department of Health and Welfare agents at all reasonable hours is specified for any factory, warehouse, or establishment where food is manufactured, processed,

⁷⁶⁷ § 37-1922.

⁷⁶⁸ §§ 37-1923, -1924.

⁷⁶⁹ § 37-1925.

⁷⁷⁰ § 37-1927.

⁷⁷¹ §§ 37-121, 132.

⁷⁷² § 37-114(c).

packed or held for introduction into commerce. The access is for the purpose of inspecting and securing samples for testing and for of determining if the food consists of any filthy, putrid or decomposed substance, or is otherwise unfit for food. A copy of all reports and of any such analysis must be provided to the owner or operator.⁷⁷³ Refusal to permit entry, inspection or sampling is a violation of the Act.⁷⁷⁴

Adulteration

The adulteration of food as well as the sale or delivery, holding or offering for sale, or receipt in commerce of adulterated food is prohibited.⁷⁷⁵ Adulteration is defined in a manner consistent with the federal regulations.⁷⁷⁶ Specific restrictions apply to the addition of any poisonous or deleterious substance. Tolerance limits are applicable where the substance is required or cannot be avoided in the production by good manufacturing practice.⁷⁷⁷ Specific limits also apply to alcohol or nonnutritive substances added to confectionary and to the use of coal tar color.⁷⁷⁸

The director is given authority to prescribe regulations and establish a permit program for any class of food which may be injurious to health by reason of contamination with microorganisms during manufacture, processing or packaging.⁷⁷⁹

⁷⁷³ § 37-133.

⁷⁷⁴ § 37-115(f).

⁷⁷⁵ §§ 37-115(a)-(c).

⁷⁷⁶ § 37-122.

⁷⁷⁷ § 37-125.

⁷⁷⁸ §§ 37-122(c), (d).

⁷⁷⁹ § 37-124.

Misbranding

The misbranding of food is prohibited as is the manufacture, sale or delivery, holding or offering for sale or receipt in commerce of misbranded food. False labeling or the alteration, mutation, destruction, obliteration or removal of any required labels is also a violation of the Act. False advertisement is prohibited as well.⁷⁸⁰

Misbranding is defined in a manner consistent with the federal law.⁷⁸¹ If an article is alleged to be misbranded because of a misleading label or if an advertisement is alleged to be false because it is misleading, the extent to which the label or advertisement fails to reveal material facts is to be taken into account.⁷⁸²

Enforcement

The director has authority to detain or embargo the sale of any article found to be adulterated or misbranded. The director (or his authorized agent) is to tag or otherwise appropriately mark the article so that it cannot be removed or disposed of until a court proceeding determines if it is, in fact, in violation of the Act. If it is, the article must be destroyed at the expense of the owner, unless proper processing would correct the adulteration or misbranding. In such cases, it may be released if the owner posts a bond and pays all costs and expenses.⁷⁸³

If meat, seafood, poultry, vegetable, fruit or other perishable articles are found to contain any filthy, putrid or decomposed substance or are censored or that may be poisonous or

⁷⁸⁰ § 37-115.

⁷⁸¹ § 37-123.

⁷⁸² § 37-114(k).

⁷⁸³ §§ 37-118(a)-(c).

deleterious to health or otherwise unsafe, the director is authorized to destroy or make them unusable as human food.⁷⁸⁴

In addition to the procedures related to seizure and condemnation, courts are authorized to grant temporary or permanent injunctions to restrain any violations of the Act.⁷⁸⁵ Penalties may be imposed for violations as well⁷⁸⁶ but, if the violations are minor, the director may give a suitable notice or warning rather than institute of court proceedings.⁷⁸⁷

Dairies and Dairy Products

The Department of Agriculture is charged with responsibility for enforcing various statutory provisions related to dairies and dairy products.

Inspection

The inspection programs for dairies and dairy products include frequent inspection of all dairies supplying milk to dealers and consumers for the purpose of improving sanitary conditions.⁷⁸⁸ All dairy products intended for human consumption as well as the premises, equipment used in production, handling, storing, processing or manufacturing, sanitary conditions, waste systems and milk quality on dairy farms are subject to inspection.⁷⁸⁹ An inspection is also required for all places where dairy products are sold, offered for sale, or

⁷⁸⁴ § 37-118(d).

⁷⁸⁵ § 37-116.

⁷⁸⁶ § 37-117.

⁷⁸⁷ § 37-120.

⁷⁸⁸ § 37-302.

⁷⁸⁹ § 37-401 (Supp. 1998).

manufactured.⁷⁹⁰

The Department of Agriculture is responsible for administering examinations and tests that meet the requirements of state and federal law for the sale or transportation of milk and milk products in both intrastate and interstate commerce. Permits are issued to dairy farmers who meet the requirements of the law.⁷⁹¹ However, the state Board of Health and Welfare retains its authority to inspect and regulate places, persons or industries for the purpose of enforcement of sanitary and health laws.⁷⁹²

Adulteration

Adulteration prohibitions apply to various products. Milk is deemed adulterated for a number of reasons including dilution and if it contains pathogenic bacteria, preservatives, bacteria of any kind more than 80,000 per cubic centimeter or slimy dark grey, black or other sediment. In addition, if it is from cows which have disease, from cows in diseased herds, or cows in herds where the attendants are affected or have been exposed to communicable disease; from cows that have been kept in crowded, unsanitary or unhealthy conditions or have been fed unwholesome food, it is considered adulterated.⁷⁹³ Any milk or cream which is unclean, unwholesome or unfit for human consumption is considered unacceptable.⁷⁹⁴

Standards

The statutes contain a series of standards that relate, in whole or part, to sanitary

⁷⁹⁰ § 37-502.

⁷⁹¹ § 37-401.

⁷⁹² § 37-519.

⁷⁹³ §§ 37-313, 37-314.

⁷⁹⁴ § 37-402(5).

conditions. These include requirements for standards for holding at cooling tanks,⁷⁹⁵ transportation tanks,⁷⁹⁶ and standards for milk haulers⁷⁹⁷ and milk pasteurizing plants.⁷⁹⁸

Enforcement

The inspection and permitting programs serve as the primary enforcement mechanism for dairies and dairy products, but penalties are included for violations.⁷⁹⁹

Eggs and Egg Products

It is a violation to sell eggs or egg products unfit for human food.⁸⁰⁰ The Department of Agriculture is given the authority to issue regulations inspection and grading of eggs and egg products. The regulations can also address the sanitation and conditions of eggs and egg product production, storage and transportation.⁸⁰¹ The statute specifically authorizes the Department of Agriculture to contract with the federal government for egg and egg product inspection.⁸⁰²

Imported Food Products

Idaho requires labeling of meats, poultry, eggs or butter which are the product of any foreign country.⁸⁰³ Products containing imported meat or foreign eggs must likewise be

⁷⁹⁵ § 37-410.

⁷⁹⁶ § 37-411.

⁷⁹⁷ § 37-413.

⁷⁹⁸ § 37-707.

⁷⁹⁹ §§ 37-324, 37-332(g).

⁸⁰⁰ § 37-1502.

⁸⁰¹ § 37-1521.

⁸⁰² § 37-1530.

⁸⁰³ § 37-1604.

labeled.⁸⁰⁴

Enrichment of Bread and Flour

The statute requires flour for human consumption manufactured, mixed, compounded, sold or offered for sale in the state to be enriched with specified vitamins and minerals.⁸⁰⁵ White bread or rolls must also be enriched.⁸⁰⁶

⁸⁰⁴ § 37-1606.

⁸⁰⁵ § 37-2602.

⁸⁰⁶ § 37-2603.